

Leon Jon Bonney, Esq. (SBN 109010)
Bonney & Associates Attorney at Law
825 Van Ness Avenue, Suite 304
San Francisco, CA 94109-7837
Tel: 1-415-986-0115 Fax: 1-415-236-6479
Email: ljbbonney@earthlink.net

Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re:

Julio P Julao Jr.

Elisa P Julao

Debtors

Case No. 09-31756 DM Ch. 13

R.S. No. GO-171

**DECLARATION IN SUPPORT OF
DEBTOR'S OPPOSITION TO MOTION
RELIEF FROM STAY [HSBC Wells Fargo]
[With Certificate of Service]**

Hearing Date: June 30, 2011 09:30 AM

Judge: MONTALI

Place: Crt Rm 22 – USBC 235 Pine Street San
Francisco

I, Leon Jon Bonney, attorney for debtors declare as follows;

Movant is HSBC Bank USA, Trustee FOR Wells Fargo Asset Securities Corporation. This is a restored motion based on Movant's allegation that the debtors' loan modification was denied on the basis that the loan modification application was not submitted. Movant is in error, the loan modification was submitted.

The loan modification packet was transmitted on May 6, 2011 at 11:26 AM Pacific to Atiya.Z.Nixon@wellsfargo.com, Cc: "Casper J Rankin" crankin@piteduncan.com; 1-866-359-7363@myfax.com; "Elisa P. Julao" elisaj@comcast.net. The email Atiya.Z.Nixon@wellsfargo.com is Atiya Z Nixon the Wells Fargo representative that was assigned and identified to me to be the person responsible for processing the debtors' loan modification application. Casper J Rankin is an attorney with Pite Duncan that has been identified in previous of Movant's motions as its counsel. The phone number 1-866-359-7363 is the fax number which I was given by Wells Fargo as the number to fax the loan modification documents. My fax service is an electronic fax service that is accomplished via email; therefore the email address of 1-866-359-7363@myfax.com was used to fax the documents.

1 Included in the loan modification application were the documents identified by Ms
2 Nixon as the required documents for the loan modification application and included 1.
3 Hardship Statement 2. Request For Modification and Affidavit (RMA) 3. WFHM Financial
4 Worksheet 4. Dodd-Frank Certification 5. IRS FORM 4506T-EZ 6. Pay Stubs for Both
5 Borrowers 7. 2010 Federal Income Tax Return.

6 By letter dated April 27, 2011 Ms Nixon informed me that she was "removing" the file
7 because she alleged she was not able to obtain additional information. However, in the same
8 letter she stated that: "We can reopen the file once the necessary documents have been
9 obtained." By letter dated April 29, 2011 I requested that Ms Nixon keep the file open for the
10 reason that the documents would be delivered the following week and that the debtors had not
11 abandoned their request for a loan modification. A copy of this letter was also delivered to Ms
12 Nixon by fax and email dated April 29, 2011. Ms Nixon replied by email dated April 29, 2011
13 that: "I will open the file back up when I receive the documents needed. You can send the
14 documents via email or fax. If you send the documents by fax please email me to notify." As
15 previously noted the loan modification packet was transmitted on May 6, 2011 at 11:26 AM
16 Pacific to Atiya.Z.Nixon@wellsfargo.com, Cc: "Casper J Rankin" crankin@piteduncan.com;
17 1-866-359-7363@myfax.com; "Elisa P. Julao" elisaj@comcast.net.

18 By email to Ms Nixon (Atiya.Z.Nixon@wellsfargo.com) dated Tuesday, May 24, 2011
19 11:23 AM I requested a status update. I did not receive a reply other than the *NOTICE OF*
20 *MOTION FOR RELIEF FROM AUTOMATIC STAY* filed on May 24, 2011.

21 I declare under penalty of perjury, under the laws of the United States of America, that
22 the foregoing is true and correct according to my knowledge, information and belief. This
23 declaration is executed in San Francisco, CA on the date noted below.

24 RESPECTFULLY SUBMITTED

25 /s/ Leon Jon Bonney
26 Leon Jon Bonney Attorney for Debtors, SBN: 109010

Dated: June 28, 2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CERTIFICATE OF SERVICE

I, Leon Jon Bonney, hereby certify that I am an active member of the State Bar of California, Member Number 109010, and I am not a party to the within action. My business address is 825 Van Ness Avenue, Suite 304 San Francisco, CA 94109-7837.

On June 28, 2011, a true and accurate photo-copy of the following attached document(s) was/were served by one or more of the methods checked below:

• **DEBTOR'S STATUS STATEMENT RE RELIEF FROM STAY R.S. No. GO-171**

David Burchard, Trustee
393 Vintage Park Drive Ste 150
Foster City, CA 94404
TRUSTEE
Via ECF/ECM PACER at
TESTECF@burchardtrustee.com,
dburchard13@ecf.epiqsystems.com

PITE DUNCAN, LLP
c/o Gabriel Ozel, Esq.
4375 Jutland Drive, Ste 200
San Diego, CA 92117
ATTORNEY FOR CREDITOR
Via ECF/ECM PACER at Gabriel Ozel
ecfcanb@piteduncan.com
Via Fax 1-619-590-1385

☐ First Class US Post Service
☒ Facsimile Transmission
☐ Certified Mail
☒ Via Electronic Email

☐ Overnight Express via
☐ Federal Express
☐ Personal Hand Delivery
☒ Other Trustee by PACER Noticing &
Other Parties Agreeing To Electronic Notice

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on June 28, 2011, in San Francisco, California.

/s/ Leon Jon Bonney
By: Leon Jon Bonney SBN 109010